



City of Seattle

Edward B. Murray, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO THE
SUPERINTENDENT OF SEATTLE CITY LIGHT UTILITY**

Applicant Number: 3020396
Applicant Name: Jacob Hamilton
Address of Proposal: 7223 P Aurora Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to locate a minor communication utility (Externet) on a replaced Seattle City Light utility pole #1381634 in the right-of-way. The project includes attaching two antennas and one equipment cabinet to the pole. Final decision on placement of antennas will be made by Seattle City Light.

The following Master Use Permit component is required:

**Administrative Conditional Use – Class II Attachment Siting, Review and
Recommendation to General Manager of Seattle City Light – SMC
15.32.300C4b**

BACKGROUND DATA

Site Location and Description

The existing pole is located on the west side of Aurora Avenue North City Street Right of Way (R/W) in a Neighborhood Commercial -1 with 30' height limit (NC-1/40') zone. The height of the existing pole is 29.2'.

Proposal Description

The proposed project includes the installation of a new minor communication facility and replaced existing 29.2' tall Seattle City Light utility pole with a new 38.5' tall utility pole #1381634. The new pole will be in the same location where the existing pole is currently sited on the west side of Aurora Avenue North R/W west of Aurora Avenue North per SCL specifications. In addition, Externet Wireless proposes to place two antennas on the top of the pole inside an enclosure.

The associated equipment enclosure and a power meter are attached to the replacement pole. The conduits will be used for housing cables and electrical lines running from the antennas to the equipment and from the power meter to the equipment enclosure per plan. All antennas would be painted to match the new Seattle City Light utility pole.

Public Comments

DPD did not receive any public letter during the comment period which ended on August 9, 2015.

ANALYSIS - SITING RECOMMENDATION TO GENERAL MANAGER OF SEATTLE CITY LIGHT

The Street and Sidewalk Use Chapter of the Seattle Municipal Code allows Class II Special Attachments (minor communication utilities) to be placed on utility poles owned by Seattle City Light that are located on public rights of way. Class II Special Attachments are specifically regulated by SMC Section 15.32.300. This Section allows for minor communication utilities, or other Class II Special Attachments, to extend above the electrical facilities (wires) on top of an existing pole, or the replacement of an existing pole to achieve adequate height for the applicant's purposes. Section 15.32.300 further requires that all costs of such replacements be borne by the communications provider, and that the visual impacts of minor communication utilities and other Class II Special Attachments shall be reduced to a degree acceptable to the Superintendent of City Light.

Whereas request for Class II attachment is made, and the proposed location is on an arterial street located within a Neighborhood Commercial one with a height limit of 40' but the proposed utility pole is slightly lower than 38.5', the applicant shall apply to DPD and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an Administrative Conditional Use (ACU) permit. The DPD recommendation shall be advisory to the General Manager of City Light.

The specific ACU criteria for this site and application can be found in SMC Section 23.57.012, subsection B. The criteria, which must be satisfied in order for the proposal to receive a positive recommendation from DPD, are as follows:

B. Uses Permitted by Administrative Conditional Use. In Neighborhood Commercial, Commercial, and the Seattle Cascade Mixed zones, an Administrative Conditional Use shall be required for the establishment or expansion of a free standing transmission tower, regardless of height, and for minor communication utilities and accessory communication devices that exceed the height limit of the underlying zone as modified by subsection C of this section. Approval shall be pursuant to the following criteria, as applicable:

- 1. The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area.*

The proposed minor communication utility would include replacing the existing 29.2' Seattle City Light utility pole with a new 38.5 replacement utility pole in the same location. There are other utility poles along the streets in this area. The base of the pole would not be significantly larger than the existing pole, as shown on the photo simulations submitted by the applicant. The material of the replacement utility pole would be similar in appearance to the existing wood utility poles along Aurora Avenue North commercial corridor street side of the right of way. The antennas would be mounted at 34' in an enclosure above sidewalk level. The replacement pole and proposed antennas would not impact the pedestrian ability to walk by the pole at street level, and would not significantly impact the pedestrian character. All antennas would be painted to match the new Seattle City Light utility pole.

The proposed development would not result in a significant change to the pedestrian environment or retail character of the commercial area.

- 2. If the minor communication utility is proposed to exceed the zone height limit as modified by subsection C of this section, the applicant shall demonstrate that the*

requested height is the minimum necessary for the effective functioning of the minor communication utility.

The proposed antennas would not exceed the zone height limit for the Neighborhood Commercial one with 40' zone. The applicant has provided coverage maps indicating that the proposed minor communication utility would provide coverage where there is currently a lack of in-building coverage. The applicant has also provided a letter from an RF Engineer that states the proposed height at 38.5' is the minimum necessary for the effective functioning of the minor communication utility.

3. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility would be located on a utility pole, and would not be a new freestanding transmission tower. This criterion does not apply.

SITING RECOMMENDATION TO GENERAL MANAGER OF SEATTLE CITY LIGHT

Based on the above analysis the Director of the Department Planning and Development recommends to the General Manager of Seattle City Light to **Approve** the application to install a minor communication utility on a new Seattle City Light pole in the public right-of-way in a neighborhood commercial zone.

Recommended Condition

For the Life of the Permit

1. Paint to match the color of the pole.

Signature: retagonzales-cumneutrubby for Date: October 8, 2015
Onum Esonu, Land Use Planner,
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.